**UNITED STATES DISTRICT COURT**
**SOUTHERN DISTRICT OF NEW YORK**

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In Re: Methyl Tertiary Butyl Ether ("MTBE")        Master File No. 1:00-1898
Products Liability Litigation                          MDL 1358 (SAS)
                                              M21-88

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**This document relates to the following case:**

*City of New York v. Amerada Hess Corp., et al.*
Case No. 04 Civ. 3417

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### [PROPOSED] ORDER GRANTING PLAINTIFF CITY OF NEW YORK'S MOTION FOR ENTRY OF JUDGMENT PURSUANT TO FED. R. CIV. P. RULE 54(B)

Before the Court is Plaintiff's Motion for Entry of Judgment Pursuant to Fed. R. Civ. P. Rule 54(b).

WHEREAS Plaintiffs the City of New York, the New York City Water Board Authority and the New York City Municipal Water Finance Authority (collectively, "the City") asserted separable claims on multiple wells in its Fourth Amended Complaint;

WHEREAS, a jury addressed the merits of those claims on the five wells associated with Station 6 ("the Station 6 Wells") and rendered a verdict in the City's favor on October 19, 2009;

WHEREAS, the City's claims on the remaining wells have not yet been tried;

WHEREAS, the Court determines that there is no just reason to delay the entry of a final judgment against the ExxonMobil Defendants ("ExxonMobil") on the City's claims on the Station 6 Wells because (1) no further proceedings on the merits of the City's claims for the Station 6 Wells are necessary; (2) the resolution of the City's remaining claims will not alter the jury's decision on the Station 6 Wells; and (3) entry of a final judgment on the Station 6 Wells will prevent prejudice to the parties.

IT IS HEREBY ORDERED that the City's Motion for Entry of Judgment Pursuant to Fed. R. Civ. P. Rule 54(b) is granted. Accordingly, the clerk is directed to prepare a final judgment

under Fed. R. Civ. P. Rule 54(b) in accordance with the jury verdict rendered on October 19, 2009 on the City's claims for the Station 6 Wells, awarding the City damages in the amount of $104,690,000.00 and pre-judgment interest.

IT IS SO ORDERED.

Dated: _____

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Hon. Shira A. Scheindlin
United States District Court